

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

VILLAGE OF BEDFORD PARK, CITY OF WARRENVILLE, CITY OF OAKBROOK TERRACE, VILLAGE OF OAK LAWN, VILLAGE OF ORLAND HILLS, CITY OF ROCKFORD, VILLAGE OF WILLOWBROOK, VILLAGE OF ARLINGTON HEIGHTS, VILLAGE OF BURR RIDGE, CITY OF DES PLAINES, VILLAGE OF LOMBARD, VILLAGE OF ORLAND PARK, VILLAGE OF TINLEY PARK, and VILLAGE OF SCHAUMBURG, individually and on behalf of others similarly situated,

Plaintiffs,

v.

EXPEDIA, INC. (WA), HOTELS.COM, LP, HOTWIRE, INC., EGENCIA, LLC, TRIP NETWORK, INC., ORBITZ, LLC, INTERNETWORK PUBLISHING CORP. (d/b/a/ LODGING.COM), PRICELINE.COM INCORPORATED, TRAVELWEB LLC, TRAVELOCITY.COM, LP, SITE59.COM, LLC, and DOES 1 THROUGH 1000, INCLUSIVE,

Defendants.

Civil Action No.: 13-5633

Judge Matthew F. Kennelly

**DEFENDANTS' UNOPPOSED MOTION
FOR EXTENSION OF TIME TO FILE ANSWER**

Pursuant to Fed. R. Civ. P. 12(a), Defendants Expedia, Inc. (WA), Hotels.com, LP, Hotwire, Inc., Egencia, LLC, Trip Network, Inc., Orbitz, LLC, Internetwork Publishing Corp. (d/b/a/ Lodging.com), priceline.com Incorporated, Travelweb LLC, Travelocity.com LP, and Site59.com, LLC, (collectively "Defendants") move for an extension of time to file their Answer

to Plaintiffs' Complaint. Plaintiffs do not object to the proposed extension of time. In support of this motion, Defendants state as follows:

1. This case was filed in state court and later removed. While the case was pending in State court, Defendants agreed to waive service of process in exchange for Plaintiffs' agreement to extend the answering deadline to September 13, 2013. Therefore, after the case was removed to federal court, Judge Dow granted Defendants' unopposed motion to extend Defendants' deadline to answer or otherwise plead to September 13, 2013. (Dkt. No. 18.) Defendants filed a Motion to Dismiss Certain of Plaintiffs' Claims on that date.
2. Defendants did not move to dismiss Plaintiffs' First and Second Claims for Relief listed in Plaintiffs' Complaint. (Compl. ¶¶ 148-61.)
3. Pursuant to Fed. R. Civ. P. 12(a), Defendants seek this Motion for Extension of Time to file their Answer to these two claims up to and including fourteen (14) days after this Court rules on their Motion to Dismiss.
4. The Northern District of Illinois has interpreted Fed R. Civ. P. 12(a) to mean that "a defendant's filing of a partial motion to dismiss automatically extends its time to answer the unchallenged counts, as if it had moved to dismiss all counts." *See Vendetti v. Compass Envtl., Inc.*, No. 06 CV 3556, 2006 BL 133239, at *3 (N.D. Ill. Oct. 25, 2006); *see also Intercom Ventures, LLC v. FasTV, Inc.*, No. 13 C 232, 2013 WL 2357621, at *7 (N.D. Ill. May 28, 2013) ("Accordingly, because the Defendants here filed a timely Rule 12(b)(6) motion that does not challenge all of Intercom's claims, Defendants are not required to file an answer to Count III until 14 days after the Court has issued this Order."); *Oil Express Natl., Inc. v. D'Alessandro*, 173 F.R.D. 219, 220-21 (N.D. Ill. 1997)

(“We agree and as such find that a partial motion to dismiss allows for altering the limits of Fed.R.Civ.P. 12(a) with respect to answering those claims not addressed in Defendants’ motion.”).

5. Defendants spoke to Plaintiffs on September 11, 2013, and Plaintiffs agreed to Defendants’ proposed extension.
6. This motion is not being filed to unnecessarily delay the proceedings of this case.

WHEREFORE, for the reasons stated herein and pursuant to Federal Rule of Civil Procedure 12(a) and 6(b), Defendants request that this Court grant their Unopposed Motion for an Extension of Time to File an Answer up to and including fourteen (14) days after it rules on Defendants’ Motion to Dismiss.

Dated: September 13, 2013

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on September 13, 2013, I electronically filed the foregoing Unopposed Motion for Extension of Time to File Answer with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following at their e-mail addresses on file with the Court:

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